

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 787

Introduced by Senator Bates

(Principal coauthor: Assembly Member Brough)

February 27, 2015

An act to add Section 1255.23 to the Health and Safety Code, relating to hospitals, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 787, as amended, Bates. Hospitals: closures.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, by the State Department of Public Health. Existing law authorizes a general acute care hospital, as defined, to offer special services, including, but not limited to, emergency medical services. Existing law requires a hospital that provides emergency medical services to provide notice of the planned reduction or elimination of those services to certain entities and the public, as specified. ~~Existing law requires a health facility that implements a downgrade or change in services to make a reasonable effort to inform the community that it serves of the downgrade or change, as specified. Existing law authorizes the department to exempt a hospital from those disclosure requirements upon specified circumstances.~~

~~This bill would require a general acute care hospital that provides emergency medical services and that is scheduled for closure to conduct public hearings for public review and comment, as specified. The bill would also authorize Saddleback Memorial Medical Center, San Clemente, to continue, under its existing license, to provide emergency~~

medical services to patients in the region if it otherwise transforms its delivery of services.

This bill would authorize Saddleback Memorial Medical Center to operate an emergency department at its San Clemente campus, subject to specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the communities of San Clemente, Dana Point, and San Juan Capistrano.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature in enacting this~~
2 ~~act to do the following:~~
3 ~~(a) Authorize Saddleback Memorial Medical Center, San~~
4 ~~Clemente, to operate a stand-alone emergency room for purposes~~
5 ~~of stabilizing patients prior to transfer to any other hospital in the~~
6 ~~region.~~
7 ~~(b) Provide transparency with regard to hospital closures.~~
8 ~~SEC. 2. Section 1255.23 is added to the Health and Safety~~
9 ~~Code, immediately following Section 1255.2, to read:~~
10 ~~1255.23. (a) In addition to the requirements set forth in~~
11 ~~Sections 1255.1 and 1255.2, a general acute care hospital that~~
12 ~~provides emergency medical services pursuant to Section 1255,~~
13 ~~and that is scheduled for closure, shall conduct a public hearing~~
14 ~~for public review and comment during the 90-day period~~
15 ~~established pursuant to subdivision (a) of Section 1255.1.~~
16 ~~(b) A hospital that conducts a public hearing pursuant to~~
17 ~~subdivision (a) shall conduct the hearing pursuant to the procedural~~
18 ~~requirements that are established pursuant to the Ralph M. Brown~~
19 ~~Act (Chapter 9 (commencing with Section 54950) of Part 1 of~~
20 ~~Division 2 of Title 5 of the Government Code).~~
21 ~~SEC. 3. Notwithstanding any other law, Saddleback Memorial~~
22 ~~Medical Center, San Clemente, may continue, under its existing~~
23 ~~license, to provide emergency medical services to patients in the~~
24 ~~region if it otherwise transforms its delivery of services.~~

1 *SECTION 1. Section 1255.23 is added to the Health and Safety*
2 *Code, immediately following Section 1255.2, to read:*

3 1255.23. (a) *Notwithstanding any other law, Saddleback*
4 *Memorial Medical Center may operate an emergency department*
5 *at its San Clemente campus, subject to the following requirements:*

6 (1) *The emergency department shall operate under the*
7 *consolidated license of Saddleback Memorial Medical Center and*
8 *meet all of the requirements imposed under that license, including*
9 *being within 15 miles of its parent hospital.*

10 (2) *The emergency department shall be a conversion from a*
11 *previously existing acute care campus and may not be a newly*
12 *developed freestanding emergency department.*

13 (3) *The emergency department shall be open 24 hours a day,*
14 *365 days a year.*

15 (4) *The emergency department shall be staffed by at least one*
16 *board-certified emergency physician at all times.*

17 (5) *The emergency department shall be staffed with properly*
18 *trained emergency room nurses and meet the minimum staffing*
19 *requirements for emergency departments in this state.*

20 (6) *The emergency department shall have a complete range of*
21 *laboratory and diagnostic radiology services, including a complete*
22 *array of laboratory test, basic X-ray, computerized tomography*
23 *(CT) scan, and ultrasound capabilities.*

24 (7) *The emergency department shall meet the specialty call*
25 *requirements, as defined by the Orange County Emergency Medical*
26 *Services Agency, under its consolidated license.*

27 (8) *The emergency department shall have transfer agreements*
28 *with specialty centers, such as trauma, burn, and pediatric centers,*
29 *to meet the needs of the injury or patient population served in the*
30 *community.*

31 (9) *The emergency department shall have the capabilities to*
32 *stabilize patients with emergency medical conditions and to*
33 *transport them to its parent hospital or other higher level of care*
34 *facilities in a safe and timely manner, consistent with the standards*
35 *of care in the local communities.*

36 (10) *The emergency department shall have a fully functioning*
37 *transport program with a proven track record of safely*
38 *transporting patients who require admission to its parent hospital*
39 *or other higher level of care and specialty services facilities, such*
40 *as trauma, burn, and pediatric facilities.*

1 *(11) All applicable federal and state regulatory requirements*
2 *shall be met under the consolidated license of Saddleback*
3 *Memorial Medical Center, including all applicable regulations of*
4 *the Centers for Medicare and Medicaid Services and Title 22 of*
5 *the California Code of Regulations.*

6 *(b) Nothing in this section shall be construed to require*
7 *Saddleback Memorial Medical Center to provide for concomitant*
8 *acute care services at the San Clemente campus or to seek*
9 *additional licensure for operation of the emergency department*
10 *that is authorized pursuant to this section.*

11 ~~SEC. 4.~~

12 SEC. 2. The Legislature finds and declares that a special law
13 is necessary and that a general law cannot be made applicable
14 within the meaning of Section 16 of Article IV of the California
15 Constitution because of the unique circumstances regarding the
16 provision of emergency medical services to the communities of
17 San Clemente, Dana Point, and San Juan Capistrano.

18 ~~SEC. 5.~~

19 SEC. 3. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to ensure the provision of emergency medical services
24 to the communities of San Clemente, Dana Point, and San Juan
25 Capistrano at the earliest point in time, ~~and to provide transparency~~
26 ~~with regard to hospital closures~~, it is necessary that this act take
27 effect immediately.